

## **REMARKS**

Favorable reconsideration and allowance of this application are requested.

### **1. Discussion of Amendments**

By way of the amendment instructions above, the prior pending claims have been revised so as to clarify the same and to emphasize certain aspects of the invention. For example, pending independent claim 1 requires that the orifices include *planar* flexible support walls positioned opposite the positioning corner of the orifices. Support for such language can be found at page 3, lines 32-33.

Claims 18-21 are new. New claim 18 is in independent form and defines the invention as comprising multiple square orifice arrays comprised of four orifices, each having a pair of planar positioning walls joined to one another along an edge thereof to define a positioning corner and a centrally positioned pushing means having planar elastic support walls positioned in opposition to a respective positioning corner for elastically pushing a sample vessel inserted into an orifice in a direction toward the positioning corner. Support for new claim 18 can be found on page 2, lines 4-11 and lines 31-32. Claims 19-22 are based on the disclosure appearing at page 2, lines 28-36 and page 4, line 33 through page 5, line 3.

Therefore, upon entry of this amendment claims 11-22 will remain pending herein for consideration.

### **2. Response to 35 USC §102(b) Rejections**

Prior claims 11-17 attracted a rejection under 35 USC §102(b) as allegedly anticipated by Stallmann (GB 2064998). Applicants suggest that Stallmann fails to anticipate the presently pending claims.

In this regard, applicants note that the end orifices of Stallmann do not have a positioning corner toward which a vessel which is inserted into the orifice would be pressed. The rack of Stallmann has essentially three components: the base element 1 and two grids 2 and 3. Between the grids there are star-shaped rubber plats 10 so that a tip of each star in the orifice prevents an inserted tube from slipping out.

The Examiner appears to be of the opinion that the star-shaped rubber plates 10 of Stallmann constitute a “wall” of the therein disclosed rack. Applicants emphatically disagree. The star-shaped rubber plates 10 are isolated structures below the upper edge of the tray as can be seen readily from Fig. 1 of Stallmann. As such, the rubber plates 10 do not provide a wall surface which serves to define the orifice. In any event, the rubber plates 10 of Stallmann are not planar structures at all.

Thus for at least the reasons noted above, all claims pending herein are not anticipated by Stallmann. As such, withdrawal of the rejections advanced under 35 USC §102(b) is in order.

### **3. Response to 35 USC §103(a) Rejections**

Claims 11-17 also attracted a rejection under 35 USC §1039a) as allegedly being unpatentably “obvious” from Quackenbush (USP 3,390,783). Applicants respectfully disagree.

Specifically, applicants note that the lug elements 32 in Quackenbush is merely a downwardly bent tab portion resulting from a punch-out of material to establish the holes 28. There is no disclosure or suggestion therein of an elastic positioning wall which has a lateral edge joined to at least one side wall. Nor is there any disclosure in Quackenbush of a lateral edge of the at least one side wall being joined to a lateral edge of a positioning wall. Thus, Quackenbush would not lead an ordinarily skilled person to the subject matter of pending claim 11.

Nor would Quackenbush render obvious the subject matter of claim 18. Specifically, Quackenbush does not disclose a square orifice array of four orifices with a *centrally located* pushing means as in defined in new claim 18.

Therefore, all pending claims herein are patentably *unobvious* over Quackenbush. Withdrawal of the rejection advanced under 35 USC §103(a) is therefore in order.

#### **4. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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